

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KRISTINA ENNIX SLAUGHTER, et al.,

Plaintiffs,

No. C 08-1552 PJH

v.

ORDER OF DISMISSAL

CITY OF EMERYVILLE, et al.,

Defendants.

On June 16, 2008, the court issued an order granting defendants Abercrombie & Fitch's and Melissa Basfield's motion to dismiss plaintiffs' complaint against them. The court granted leave to amend, however, so that plaintiffs could in good faith allege that defendant Basfield made an actionable published statement. See Jun 16, 2008 Order Granting Motion to Dismiss. Plaintiffs were instructed to file any amended complaint no later than July 18, 2008. Three weeks after this date, however, plaintiff has yet to file any amended complaint.

In view of plaintiffs' lack of response to this court's prior order, the court finds there is no appropriate less drastic sanction than dismissal of plaintiffs' complaint with respect to the above defendants. See, e.g., Malone v. United States Postal Service, 833 F.2d 128, 130 (9th Cir. 1987)(notwithstanding the public policy favoring the disposition of actions on their merits, the court's need to manage its docket and the public interest in the expeditious resolution of litigation justifies dismissal in appropriate circumstances). Accordingly, plaintiffs' action is DISMISSED with prejudice as to defendants Abercrombie &

1 Fitch and Basfield.

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3 **IT IS SO ORDERED.**

4 Dated: August 8, 2008



PHYLLIS J. HAMILTON
United States District Judge

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